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Cornelia G. Clark
Clerk of Supreme Court
Madison, WI

SUPREME COURT OF WISCONSIN

In the Matter of the Adoption of a
Procedure to Refuse to Grant or to
Suspend the License to Practice
Law of a Person Certified under
Wis. Stat. § 49.857 to be
Delinquent In Payment of Support
or in Noncompliance with a Support
or Paternity Subpoena or Warrant

ORDER
No. 00-05

In 1997, responding to federal legislation that addressed enforcement of child and family support and other payments related to the support of a child or former spouse, the Wisconsin Legislature enacted Wis. Stat. § 49.857 to provide for the denial, nonrenewal, restriction and suspension of licenses of persons certified to be delinquent in making court-ordered payments of support or failing to comply with a subpoena or warrant relating to paternity or support proceedings. That statute provides, in part, that the Wisconsin Department of Workforce Development enter into a memorandum of understanding with the Supreme Court, with the court's agreement, that includes, among other things, a procedure by which the court would suspend an attorney's license to practice law or refuse to grant bar admission to an applicant if the attorney or applicant

is certified to be delinquent in making court-ordered support payments or failing to comply with a subpoena or warrant.

The court, on its own motion, after consideration of the matter at a public hearing and open administrative conference on October 17, 2000, and an open administrative conference on March 7, 2001, has deemed it advisable to amend and create various Supreme Court Rules to accomplish this purpose.

IT IS ORDERED that, effective the date of this order, the following Rules be amended or created as indicated:

SECTION 1. 10.03 (2) of the supreme court rules be amended to read:

(2) Enrollment. Every person who becomes licensed to practice law in this state shall enroll in the state bar by registering his or her name and social security number with the association within 10 days after admission to practice. Every change after enrollment in any member's office address or social security number shall be reported promptly to the state bar. The social security number of a person enrolling in the state bar may not be disclosed to any person or entity except the supreme court and its agencies, or as otherwise provided by supreme court rules.

SECTION 2. 11.04 of the supreme court rules be created to read:

11.04 Suspension for nonpayment of support, noncompliance with subpoena or warrant.

(1) In this rule:

(a) "Subpoena or warrant" means a subpoena or warrant issued by the department of workforce development or a child support agency and relating to paternity or support proceedings.

(b) "Support" means support as defined in 42 United States Code section 654(4)B.

(2) Upon receipt of certification from the department of workforce development pursuant to section 49.857, stats., that a person licensed to practice law in this state is delinquent in making court-ordered payments of support or is not in compliance with a subpoena or warrant, the supreme court may suspend the license of that person to practice law for up to 5 years in the case of delinquency in making court-ordered payments of support or for up to 6 months in the case of failure to comply with a subpoena or warrant.

(3) Before entering an order suspending an attorney's license under sub. (2), the supreme court shall issue an order requiring the attorney to show cause why his or her license to practice law should not be suspended. The supreme court may inquire into the reasons for the delinquency or any other matters the court considers appropriate. The court may enter such orders as it deems appropriate.

(4) The supreme court may return the certification to the department of workforce development upon a showing by the attorney that the department failed to provide notice of its intent to seek license suspension and that, as a result, the attorney was not aware of the right to a hearing as provided by section 49.857, stats., or has not had a reasonable opportunity to pay the delinquency or resolve the noncompliance with the subpoena or warrant.

(5) A license to practice law suspended under sub. (2) shall be reinstated as follows upon whichever of the following first occurs:

(a) Automatically upon the expiration of the period for which suspended.

(b) By order of the supreme court upon notification by the department of workforce development that the attorney has paid the delinquent support or has made satisfactory alternative payment arrangements or has satisfied the requirements under the subpoena or warrant.

(6) An attorney whose license to practice law is suspended under sub. (2) shall comply with the provisions of SCR 22.26.

(7) The supreme court may disclose the social security number of a member of the state bar to the department of workforce development for the purpose of administering s. 49.22.

SECTION 3. 40.06 (4) of the supreme court rules be amended to read:

(4) The board shall not certify an applicant while an attorney disciplinary matter against the applicant is pending or the applicant is certified by the department of workforce development as delinquent in making court-ordered payments of support or failing to comply with a subpoena or warrant, as those terms are defined in SCR 11.04 (1). If an applicant's license to practice law in another jurisdiction is suspended or revoked for reasons related to professional responsibility at the time the application is filed or at any time that the application is pending, the suspension or revocation is a sufficient basis for denial of certification.

IT IS FURTHER ORDERED that notice of this amendment of the Supreme Court Rules be given by a single publication of a copy of this order in the official state newspaper and in an official publication of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 10th day of April, 2001.

BY THE COURT:

Cornelia G. Clark
Clerk of Court